King County	Department of Adult and Juvenile Detention All Divisions General Policy Manual	
	Chapter 1 **Administration and Personnel Management**	
1.03.017, Family Medical Leave Act (FMLA)	Approved By:	Director Allen Nance
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Purpose
To inform employees about the federal Family and Medical Leave Act and the King County Family Leave Ordinance.

Policy
It is the policy of this Department to comply with the regulations contained within the federal Family and Medical Leave Act (FMLA), Washington State Family Leave Act (WSFLA) and Paid Family Medical Leave (PFML), and the King County Family Medical Leave Ordinance (KCFML).

References
Federal Family and Medical Leave Act of 1993, as amended
Washington State Family Care Act
Washington State Paid Family Medical Leave (PFML)
Applicable Bargained Labor Agreements
King County Code 3.12, as amended
HR Bulletin 2016-0005
DAJD Forms: King County Request for FMLA/KCFML Leave Form 1022

Definitions
Rolling Twelve Month Period: Twelve-month period measured backward from the date an employee uses any FMLA and KCFML leave. Under the "rolling" twelve-month period, each time an employee takes FMLA and KCFML leave, the remaining leave entitlement would be the balance of the twelve weeks (FMLA) or eighteen weeks (KCFML) which has not been used during the immediately preceding twelve months. A rolling twelve-month period is different than a fixed twelve-month period or calendar year.

A. General Guidelines:
1. Where a collective bargaining agreement is silent on KCFML, the Department's policy and practices shall comport to the applicable King County Code provisions.
2. All inquiries, requests for leave, questions and concerns regarding FMLA and KCFML should be directed to DAJD Human Resources (HR) Leave Management Group.

B. FMLA/KCFML Benefits:

Included for ease of reference only. Benefits will be administered in accordance with County Code and policy, as amended, state and federal law, and applicable bargaining agreements. See referenced documents above for all benefits, requirements, and restrictions.

1. Only an employee who has been employed by the county for a combined total of twelve months or more within the past seven (7) years and has worked a minimum of 1,250 in the preceding twelve months (paid leaves such as holiday, vacation, compensatory time and sick leave are not considered hours worked), may be eligible for leave under the FMLA.
2. An employee may be entitled to up to twelve (12) weeks of FMLA leave, in a rolling twelve-month period.
3. Employees may be covered by FMLA for twelve (12) weeks of leave in one rolling twelve-month period for the following reasons:
    a. The birth or adoption of the employee's child, or placement of the employee's foster child.
    b. Employee's spouse, child or parent who has a serious health condition.
    c. An employee who has a serious health condition that prevents the employee from completing the essential functions of the position (including time off work due to worker's compensation injury/illness).
4. If the FMLA leave is taken for birth or adoption of a child, or placement of a foster child, and both parents are employed by King County, the aggregate total leave taken by both employees shall be twelve (12) weeks.
5. Employees caring for a family member who is a current servicemember with a serious injury or illness may be entitled up to twenty-six (26) weeks of FMLA leave in a rolling twelve (12) month period. Eligible employees are limited to a combined total of twenty-six (26) weeks of leave for any FMLA qualifying reasons during a single twelve (12) month period.
6. To be eligible for KCFML, an employee must have been employed by the county for a combined total of twelve (12) months and worked a minimum of 910 hours (35-hour employee) or 1040 hours (40-hour employee) in the preceding twelve months. Paid leaves such as holiday, vacation, compensatory time and sick leave are not considered hours worked.
7. An employee may take up to eighteen (18) weeks of KCFML leave for his or her own serious health condition and for family eligible medical reasons within a rolling twelve (12) month period.
8. Under KCFML, up to eighteen (18) weeks of leave in a rolling twelve (12) month period may be granted to an employee for the following reasons:
    a. Spouse or domestic partner with a serious health condition.
    b. Employee's children with a serious health condition.
    c. Child of a spouse or domestic partner with a serious health condition.
    d. For the birth and care of a newborn, newly adopted child or placement of a foster child.
    e. Parent of an employee, spouse or domestic partner with a serious health condition.
    f. Any who stands or stood in loco parentis to the employee with a serious health condition.

9. If the KCMFL leave is taken for the birth or adoption of a child, or placement of a foster child, and both parents are employed by King County, the aggregate total taken by both employees shall be eighteen (18) weeks.
10. FMLA hours (12 weeks) and KCFML hours (18 weeks) shall run concurrently for a maximum total of 18 work weeks of leave within a twelve (12) month rolling calendar period.
11. When using FMLA or KCFML for an employee's own serious health condition, an employee must use their paid sick leave prior to using any other forms of accrued or donated leave. An employee who takes FMLA or KCFML leave for a spouse, child or parent with a serious health condition may opt to reserve 80 hours of sick leave for their own future use.
12. For both FMLA and KCFML, the leave may be continuous (taken in consecutive days or weeks), or intermittent (taken in whole or partial days as needed) with the following limitations:
    a. When FMLA or KCFML leave is taken for bonding after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently only with prior approval from HR.
    b. An employee may take FMLA or KCFML leave intermittently or on a reduced schedule when medically necessary due to the serious health condition of the employee or an eligible family member of the employee.
    c. If an employee requests intermittent leave that is foreseeable, the Department may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates the intermittent periods of leave than the employee's regular position.
13. Leave taken for any FMLA or KCFML qualifying reasons must be recorded as FMLA or KCFML leave.
14. FMLA qualified leave shall run concurrent with use of sick leave, vacation leave, KCFML leave, donated leave, light duty assignment due to a disabling injury or illness, and/or workers' compensation time loss benefits.
15. For both FMLA and KCFML, upon return within the time provided, subject to bona fide layoff provisions, an employee is entitled to:
    a. The same or equivalent position held when the leave began.
    b. A position with equivalent benefits, pay and other terms and conditions of employment.
    c. An adjusted service date or the same seniority date accrued before the date on which the leave commenced for unpaid FMLA or KCFML.
16. The Department will maintain its contributions for medical insurance benefits during the period of FMLA and KCFML leave.
17. Employees on FMLA or KCFML may elect to self-pay for their non-medical benefits such as long-term disability, accidental death and dismemberment and life insurance.
18. Failure to return to work by the expiration date of a leave of absence may be cause for removal from the approved leave of absence and may result in termination of the employee from county service.

C. Department Policy:

1. It is the employee's responsibility to notify their Shift Commander/Supervisor as soon as possible before the required start time of their shift if the employee is taking unforeseen FMLA or KCFML leave.
2. It is the employee's responsibility to provide written notice to DAJD Human Resources (HR) Leave Management Group of any medical condition(s) covered by FMLA or KCFML.
3. It is the employee's responsibility to identify to the Department which absences are covered by the employee's FMLA or KCFML leave and which are not.
4. If the need for leave is foreseeable, an employee planning to take FMLA or KCFML leave should make a reasonable effort to schedule the leave thirty (30) calendar days in advance so as not to disrupt department operations.

D. Required Procedure:

1. Employees requesting FMLA/KCFML leave shall submit a medical certification form and protected family and medical leave request form to the Department's Human Resources (HR) Leave Management Group.
2. An employee on FMLA/KCFML leave must submit the Medical Certification Form and protected family and medical leave request form to the Department's Human Resources (HR) Leave Management Group. Within thirty (30) calendar days prior to the start of leave when practical (foreseeable leave); or within 15 days from the employee's request for FMLA/KCFML or provisional assignment of FMLA/KCFML by the Department. The medical provider must complete all sections of the medical certification form, inclusive but not limited to the date the condition began, its probable duration and confirmation of a serious health condition.
3. The employee is responsible for obtaining their medical provider's response to the medical certification form and providing it to DAJD Human Resources (HR) Leave Management Group.
4. The employee is responsible for completing the protected family and medical leave request form and providing it to DAJD Human Resources (HR) Leave Management Group.
5. DAJD Human Resources (HR) Leave Management Group will provide a response to the employee's request for FMLA/KCFML leave.
6. When calling in to notify department of the need for leave from work due to an approved FMLA/KCFML condition, employees are required to provide the following information: 1) Employee's name, 2) Clearly identify if need for leave is "FMLA for Self" or "FMLA for family"; 3) Date(s) FMLA/KCFML leave is needed. Employees must notify the department at the time of their call-in if their leave is due to an approved FMLA/KCFML condition.
7. Employees shall complete and submit a King County Absence Request form to their administrative sergeant/scheduling supervisor, shift commander, or unit administrator on the first workday or within 24-hours after returning from an absence.